

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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NATIONSTAR MORTGAGE LLC,

Plaintiff,

-against-

ARLENE ROVER INDIVIDUALLY AND AS
SURVIVING SPOUSE OF RANDOLPH ROVER,
WELLS FARGO BANK, N.A.,

Defendants.
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APPEARANCES:

Gross Polowy, LLC
Counsel for the Plaintiff
900 Merchants Concourse, Suite 412
Westbury, NY 11590
By: Stephen J. Vargas, Esq.

NO APPEARANCES:

The Defendants

SPATT, District Judge.

On February 27, 2017, the Plaintiff, Nationstar Mortgage, LLC (the "Plaintiff"), commenced this diversity mortgage foreclosure action against the defendants, Arlene Rover individually and as surviving spouse of Randolph Rover, and Wells Fargo Bank, N.A. (together, the "Defendants"), seeking to foreclose its security interest in a parcel of real property located at 310 Eastwood Boulevard, Centereach, New York (the "Premises"). By this action, the Plaintiff seeks a declaratory judgment establishing the parties' respective rights and obligations in and to the Premises.

On April 24, 2017, the Clerk of the Court noted the default of the Defendants.

On May 8, 2017, the Plaintiff moved for a default judgment.

ADOPTION ORDER
17-cv-1098 (ADS) (AYS)

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ **FEB 24 2018** ★

LONG ISLAND OFFICE

On May 9, 2017, the Court referred this matter to United States Magistrate Judge Anne Y. Shields for a recommendation as to whether the motion for a default judgment should be granted, and if so, what relief should be awarded.

On February 9, 2018, Judge Shields issued a Report & Recommendation ("R&R") recommending that (1) that judgment of foreclosure and sale be granted; (2) that the Court appoint a Referee to conduct the sale of the mortgaged premises; (3) that damages be awarded in the amount of \$222,795.16 in addition to an award of attorney's fees of \$4,950.00 and costs of \$1,355.00; and (5) that default judgment also be entered against Wells Fargo Bank, N.A. and its interest in the Premises be terminated.

More than fourteen (14) days have elapsed since service of the R&R on the Defendants, who have failed to file an objection.

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, this Court has reviewed the R&R for clear error, and finding none, now concurs in both its reasoning and its result.

Accordingly, the R&R is adopted in its entirety, and the Plaintiff's motion for a default judgment is granted. The Plaintiff is instructed to submit three persons for selection by the Court to appoint as referee for the sale of the mortgaged premises, within thirty days. The Plaintiff shall also submit, by the same date, curriculum vitae of the three prospective referees demonstrating their qualifications for appointment as referee in this matter. The Clerk of the Court is respectfully directed to enter judgment in favor of the Plaintiff in the amount of \$222,795.16 in addition to an award of attorney's fees of \$4,950.00 and costs of \$1,355.00.

SO ORDERED.

Dated: Central Islip, New York
February 24, 2018

s/ Arthur D. Spatt

ARTHUR D. SPATT
United States District Judge